UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TAYLOR SOLLINGER, on behalf of himself and all others similarly situated,

Plaintiff,

Plaintiff,

Civil Action No. 1:19-cv-05977

v.

SMILEDIRECTCLUB, LLC,

Defendant.

DEFENDANT SMILEDIRECTCLUB, LLC'S MOTION TO COMPEL ARBITRATION AND TO STAY THE PROCEEDINGS

Defendant SmileDirectClub, LLC ("SDC"), by and through undersigned counsel, hereby respectfully moves the Court (the "Motion") for an Order: (i) compelling Plaintiff Taylor Sollinger ("Plaintiff" and, together with SDC, the "Parties") to arbitrate all of the claims asserted in Plaintiff's Complaint pursuant to the mandatory arbitration provision in the agreement between the Parties; and (ii) staying the proceedings in this Court pending such arbitration. In support thereof, SDC relies upon the Memorandum of Law in Support of Defendant SmileDirectClub, LLC's Motion to Compel Arbitration and to Stay Proceedings filed contemporaneously herewith.

CONCLUSION

WHEREFORE, based upon the foregoing, Defendant SmileDirectClub, LLC respectfully requests that the Court enter an Order in substantially the same form submitted herewith, (i) compelling Plaintiff to arbitrate all of the claims asserted in the Complaint; (ii) staying these proceedings pending such arbitration; and (iii) granting such other and further relief as the Court deems just and proper.

Dated: July 31, 2019 BENESCH, FRIEDLANDER, **COPLAN & ARONOFF LLP**

Dave Rammelt (pro hac vice forthcoming) Nick Secco (pro hac vice forthcoming) 200 Public Square, Suite 2300 Cleveland, Ohio 44114 drammelt@beneschlaw.com nsecco@beneschlaw.com

Sean A. Meluney (pro hac vice forthcoming) Counsel to Defendant SmileDirectClub, LLC 222 Delaware Avenue, Suite 801 Wilmington, Delaware 19801 smeluney@beneschlaw.com

/s/ Michael J. Barrie Michael J. Barrie (No. 5057450) 39 Broadway, 25th Floor New York, NY 10006-3039 Telephone: (302) 442-7010 Facsimile: (302) 442-7012 mbarrie@beneschlaw.com